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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,527	02/12/2004	Chih-Wei Chen	0698-0173P	4142
2292 7590 01/25/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER KEEFER, MICHAEL E	
			ART UNIT 2154	PAPER NUMBER
			NOTIFICATION DATE 01/25/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	Application No. 10/776,527	Applicant(s) CHEN, CHIH-WEI	
	Examiner Michael E. Keefer	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office Action is responsive to the Application filed 2/12/2004.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Henry et al. (US 7028104), hereafter Henry.

Regarding **claims 1 and 4** Henry discloses:

A self-activating network connection system suitable for a computer system capable of network connection, the computer system at least having a network connection module (abstract, a network interface driver clearly implies that there is a network interface module that it is driving) for connecting to a network and a network driving module (abstract, network interface driver) for driving the network connection module to perform network connection, the network connection system comprising:

a detection module for performing a counting process to count to a predetermined value where the detection module detects whether the network

connection module has successfully connected to the network; and (Fig. 3, steps 302 and 304 show a timer counting until the offer of an IP address is received.)

an activation module for sending required information to the network driving module, such that if the detection module determines that the computer system fails to connect to the network via the network connection module, the activation module sends an activation signal to the network driving module to trigger the network driving module to drive the network connection module to connect to the network until the detection module determines that the computer system has successfully connected to the network via the network connection module. (Fig. 3 304-312 show that if the timer expires, the information (DHCP-discover packet) is regenerated and sent to the NIC card to be resent over the network, at which point the timer begins again. (See Fig. 1, state diagram item 102 has an arrow circulating back into that state, i.e. the beginning of Fig. 3)

Regarding **claims 2 and 5 as applied to claims 1 and 4**, Henry discloses:

The information comprises parameter settings, note step 308 where the DHCP-discover packet is regenerated, which has in it parameter settings for the connection.

Regarding **claims 3 and 6 as applied to claims 1 and 4**, Henry discloses:

The detection action detects whether an IP address has been obtained for the computer system. (The DHCP-Offer message, if received, contains the IP address for the system, therefore, it is detecting whether the IP address for the system has been obtained or not.)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henry as applied to claims 1 and 4 above, and further in view of Sauvage et al. (US 20030056156), hereafter Sauvage.

Henry discloses all the limitations of claims 7-8 except for monitoring the network load (traffic) after the system connects to the network.

The general concept of monitoring the network load on a computer system is well known in the art as taught by Sauvage. (See at least paragraphs 27 and 54 which teach monitoring the network load/usage/traffic of a system.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Henry with the general concept of monitoring the network load on a computer system as taught by Sauvage in order to alert the user if network loading levels exceed desired parameters.

***Response to Arguments***

6. Applicant's arguments filed 11/21/2007 have been fully considered but they are not persuasive.

Applicant argues that Henry does not disclose "a detection module for performing a counting process to count to a predetermined value where the detection

module detects whether the network connection module has successfully connected to the network.” and that it does not disclose “if the network connection module is not connected to the network, the network connection module is driven to perform the network connection process, and the computer system performs the counting process again”.

The Examiner disagrees with Applicant’s assertions, and will further clarify his position here. Henry does detect whether the network connection has successfully connected to the network. The Examiner equates this limitation to the detection of whether the DHCP-Offer packet has been received or not at the end of the time out. Henry further causes the network card to activate the network connection if the connection is not successful by restarting the DHCP discovery process, which in turn would restart the timer to check to see if a DHCP-Offer had been received.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E. Keefer whose telephone number is (571) 270-1591. The examiner can normally be reached on Monday through Friday 9am-5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SUPERVISORY PATENT EXAMINER